

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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SHAWN L. HOWARD,

Plaintiff,

Case No. 1:13-cv-118

v.

Honorable Paul L. Maloney

UNKNOWN BROOKE et al.,

Defendants.

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**ORDER FOR PARTIAL DISMISSAL**  
**and PARTIAL SERVICE**

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff's action against Defendants Nicewicz and Young be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that Plaintiff's request for appointment of counsel is DENIED.

IT IS FURTHER ORDERED that the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendant Brooke in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that Defendant shall file an appearance of counsel (Defendant may appear *pro se* if he does not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court,

Defendant is not required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After Defendant has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Dated: May 21, 2013

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge